United Nations A/C.6/53/SR.33

General Assembly
Fifty-third session

Official Records

Distr.: General
26 January 1999
English
Original: French

Sixth Committee

Summary record of the 33rd meeting
Held at Headquarters, New York, on Tuesday, 17 November 1998, at 3 p.m.

Chairman: Mr. Enkhsaikhan ..... (Mongolia)

Contents

Agenda item 152: Report of the Committee on Relations with the Host Country (*continued*)

Agenda item 149: United Nations Decade of International Law (*continued*)

(b) Progress in the action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law (*continued*)

(c) Draft guiding principles for international negotiations (*continued*)

Agenda item 146: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

98-83533 (E)

The meeting was called to order at 3.20 p.m.

Agenda item 152: Report of the Committee on Relations with the Host Country (A/53/26; A/C.6/53/L.13)

1. **Ms. Zackheos** (Cyprus), speaking in his capacity as Chairman of the Committee on Relations with the Host Country, introduced the report prepared by the Committee pursuant to General Assembly resolution 52/159 of 15 December 1997 (A/53/26), which contained the Committee's recommendations, including one on increasing the Committee's membership by four. The Committee was an important body, since it was responsible for solving the problems encountered by delegations in the host country through a frank and constructive exchange of views and through cooperation by all sides; however, it was also one of a kind, since it was the only body in the United Nations system responsible for such questions and for reporting thereon to the General Assembly. He stressed that all countries could participate in its work as members or observers and no member had the right of veto. He expressed his sincere appreciation to the members of the Committee, to the Host Country Affairs Section of the United States Mission, to the New York City Commission for the United Nations, Consular Corps and International Business, to the observers who had participated in the Committee's formal and informal meetings and to the Secretariat for their support and assistance.

2. **Ms. Sucharipa** (Austria), speaking on behalf of the European Union and the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Lithuania, Poland, Romania, Slovakia and Slovenia and, in addition, Iceland and Liechtenstein, said that the Committee on Relations with the Host Country had an important role to play in fostering a good relationship among the United Nations, Member States and the host country; by solving the practical problems confronting the diplomatic community in accordance with the relevant legal instruments, it contributed to the smooth functioning of the United Nations in New York.

3. While it took note of the understandable wish to increase the Committee's membership in view of the increase in the number of Member States of the Organization, the European Union believed that the Committee as currently constituted had discharged its functions efficiently, and that its expansion might affect the efficiency of its functioning and the rationality of its work. The European Union nevertheless supported the recommendation to increase the Committee's membership to 19 by giving one additional seat each to the Groups of African, Asian, Latin American and Caribbean and Eastern European States, as recommended in paragraph 50 of the Committee's report (A/53/26).

4. The Committee discussed another problem in its report, namely, the financial indebtedness of certain missions and diplomats, which tarnished the image of the entire diplomatic community. The Working Group on Indebtedness was to be commended for its excellent work, which had resulted in a substantial decrease in the amounts owed in 1996 and 1997. A suitably qualified successor to its Chairman, Mr. Christov (Bulgaria), must be found in order to deal with the renewed increase in unpaid debts which had occurred at the end of 1997.

5. The European Union welcomed the Committee's organization of a health insurance fair in close cooperation with the host country delegation. It also noted with satisfaction the host country mission's efforts to resolve the issue of transportation, particularly the parking of diplomatic vehicles, which had been a prominent issue in 1997. It was to be hoped that sufficient parking space would be made available to ensure the smooth functioning of missions.

6. The European Union was grateful to the Committee and its Chairman for the work which they had done and supported all the Committee's recommendations and conclusions as in paragraph 50 of its report.

7. **Mr. Yahaya** (Malaysia) said that his delegation remained convinced of the importance of the Committee's work for maintaining the dialogue, based on mutual respect, which must exist between the host country and the diplomatic community, in accordance with the provisions of the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. In that connection, his delegation was concerned at the travel restrictions imposed by the host country on the staff of certain missions, which, in its view, impinged on their right of those concerned to freedom of movement and also impeded the smooth functioning of the affected missions and ran counter to the host country's obligations under international law. He recalled that the General Assembly, in its resolution 52/159 of 15 December 1997, had urged the host country to lift those restrictions, but to no avail. The growing refusal of New York apartment owners to accept members of the diplomatic community as tenants, as a result of the irresponsible behaviour of some diplomats, was also cause for concern. The Committee on Relations with the Host Country should recommend ways and means of combating that new form of discrimination and look into

possible solutions that were mutually satisfactory to the diplomatic community and apartment owners.

8. In its resolution 52/159, the General Assembly had also requested the host country to solve the problem of transportation, particularly the problem of the parking of diplomatic vehicles, in consultation with the Committee. However, the Working Group responsible for that matter had not met in 1998. His delegation strongly believed that the problem could not be solved without the participation of the diplomatic community and that any new measures by the city authorities should take full account of the concerns and needs of missions and be consistent with the provisions of the Vienna Convention on Diplomatic Relations, which required receiving States to accord full facilities for the performance of the functions of diplomatic missions.

9. His delegation welcomed the Committee's initiative of organizing a health insurance fair, which had provided delegations with an opportunity to meet the representatives of five insurance providers that could offer them health care at a more competitive rate. Also on the topic of insurance, his delegation suggested that the Committee discuss with the host country the possibility of a revision in automobile insurance rates for diplomatic vehicles.

10. Drawing attention to article 34 of the Vienna Convention on Diplomatic Relations, which exempted diplomats from all dues and taxes imposed by the receiving country, he noted with regret that some commercial establishments still required diplomats to pay the taxes even though they had produced their tax exemption cards. To prevent the recurrence of such incidents, information should be disseminated to commercial establishments in New York, where there was little understanding of that type of exemption. The same was true of driver's licences issued by the United States Department of State; the fact that they were not widely recognized meant that some establishments in New York did not accept cheques issued by diplomats. The Committee should deal with that problem with a view to ensuring that the special driver's licence had the same official status as driver's licences issued by the different states in the host country.

11. With regard to the membership and composition of the Committee, he welcomed and endorsed the Committee's recommendation that the membership should be increased to 19, granting an additional seat to four of the five major regional groups, and was firmly convinced that it took into account the principle of equitable geographical representation. In conclusion, he said that his delegation looked forward to participating further in the Committee's work.

12. **Mr. Zmeevsky** (Russian Federation) said that his delegation attached a great deal of importance to the work of the Committee on Relations with the Host Country. It fully supported the efforts being made to increase the Committee's effectiveness and find a solution to the practical problems of the diplomatic corps, and it endorsed the Committee's recommendation to increase its membership by four countries. His delegation was aware of the actions taken by the host country to ensure good working conditions for the United Nations and its permanent missions. However, a number of long-standing problems had not yet been solved.

13. The restrictions on movements of staff members of some permanent missions, in contravention of international law, had not yet been lifted. The host country continued to state that such a selective measure was necessary to protect its national security, which was difficult to believe, since businessmen and even tourists from the countries concerned could move about relatively freely, and only the staff members of diplomatic missions and members of their families seemed to represent a threat. The entire diplomatic community would welcome an appropriate reaction on the part of the authorities concerned, based on respect for international law and common sense.

14. The tension caused by the events of 1997 which had been called the "parking war" between the city of New York and the diplomatic corps seemed to have diminished. The diplomatic community had taken a constructive attitude, and some missions, including that of the Russian Federation, had taken costly measures, such as the rental of garage space, with a view to respecting local regulations. Unfortunately, city officials had not displayed the same attitude, and they continued to discriminate against diplomatic vehicles. Local police continued to hand out tickets unfairly, while at the same time overlooking local vehicles parked in spaces reserved for diplomatic vehicles.

15. It should also be noted that there was already a solid basis for a reasonable solution. Several delegations, including his own, had made a number of constructive proposals at the meetings of the working group on the use of diplomatic motor vehicles and parking. Unfortunately, city officials were unwilling to consider those proposals, and the federal authorities did not seem to want to intervene. He hoped that the Committee would attach increasing importance to those questions in future and that the federal authorities and the Permanent Mission of the United States of America to the United Nations would try to find a solution to the problem.

16. It was also important for the Committee to continue its consideration of such important matters as the

indebtedness of members of the diplomatic corps, health insurance and medical care. His delegation was concerned that diplomats were still finding it difficult to be granted sales tax exemption outside New York and Washington, D.C. Moreover, one State had also decided to impose local income taxes retroactively on some Russian diplomats.

17. His delegation understood the circumstances that had forced the host country to heighten security measures during the fifty-third session of the United Nations General Assembly. However, that did not explain why their enforcement had to hamper the activities of permanent missions, especially that of the Russian Federation, and his delegation had therefore addressed a letter to the Committee on Relations with the Host Country (A/AC.154/320).

18. His delegation supported the Committee's recommendations and conclusions and trusted they would be implemented quickly. It hoped that draft resolution A/C.6/53/L.13 would be adopted by consensus.

19. **Mr. Qu Wensheng** (China) welcomed the fact that the Committee on Relations with the Host Country had considered the question of its composition transparently, and he supported the Committee's recommendation to increase its membership by four.

20. In recent years, the host country had tried to offer more facilities to the diplomatic community. However, some problems persisted, including the restrictions imposed on the movements of the members of some permanent missions, which China felt should be eliminated as soon as possible.

21. **Mr. Obeid** (Syrian Arab Republic) fully endorsed the recommendations contained in paragraph 50 of the report of the Committee on Relations with the Host Country and felt that it represented progress towards an enlargement of the Committee in line with the composition of the United Nations and the principle of equitable geographic distribution.

22. The Committee should focus its work on issues of particular interest to the diplomatic community in New York, including medical insurance, the indebtedness of members of the community and the parking of diplomatic vehicles. In that regard, the behaviour of the local police was unacceptable, being characterized by flagrant discrimination against diplomats, who were being given parking tickets unfairly.

23. His delegation also hoped that the restrictions on the movements of members of some diplomatic missions would soon be lifted. The strengthening of mutual understanding between the diplomatic corps and the host country would enable them to carry out their duties more successfully in New York. His delegation endorsed draft resolution A/C.6/53/L.13.

24. **Ms. Willson** (United States of America) thanked the delegations for their practical, constructive proposals and noted that the significant presence of the diplomatic community in New York entailed obligations under international law. The Committee on Relations with the Host Country was an extremely useful forum for discussing all issues relating to the presence of the diplomatic corps in a city as large and diverse as New York. The meetings of the Committee and its working groups enabled the host country to understand and evaluate the needs of the members of the international community and to deal with them in a spirit of cooperation. She also welcomed the growing participation of many observer delegations, which had made it possible to make the Committee's deliberations accessible to all and had contributed to transparence. However, in her delegation's view, the Committee's limited membership was in large part responsible for its ability to take quick decisions and its effectiveness; it was the only committee of its type that reported directly to the General Assembly. Her delegation, unlike other delegations, was not in favour of increasing the membership of the Committee and would have preferred that its composition had been modified on the basis of a voluntary rotation of its members. Nevertheless, in order to show its flexibility, her delegation had decided to join the consensus in favour of the recommendation, and it hoped that the decision would at least have the merit of contributing new views to the Committee's deliberations.

25. Concerning the parking issue, the host country's efforts were mentioned in paragraph 50 of the Committee's report to the General Assembly. The United States would continue to make every effort to resolve that problem.

26. The previous speaker had implied that the restrictions placed on the movements of certain diplomats violated the rules of international law. The host country's obligations under the Headquarters agreement were clear: it was required to give members of the diplomatic community free access to the Headquarters area, but it was not required to do so in respect of other parts of the country, save in the context of official functions.

Draft resolution A/C.6/53/L.13

27. **Mr. Moushoutas** (Cyprus), speaking on behalf of Bulgaria, Canada, China, Costa Rica, Côte d'Ivoire, France, Honduras, Malaysia, Senegal, Spain, the United Kingdom and his own country, introduced draft resolution A/C.6/53/L.13 concerning the report of the Committee on Relations with the Host Country, saying that, essentially, it

followed the structure of the latter's recommendations and conclusions. After reading the text out loud, he expressed the hope that the Committee would adopt it without a vote.

28. **Ms. Cueto-Milian** (Cuba) welcomed the efforts made by the Chairman and members of the Committee and the spirit of collaboration that had prevailed throughout the discussions. The Committee's task was to consider issues that were important to all Member States and the diplomatic community.

29. Her delegation believed that the host country's participation in the Committee's deliberations and decisions was essential. It supported the draft resolution, particularly the paragraph concerning the admission of four new members, to be chosen by the President of the General Assembly, in accordance with resolution 2819 (XXVI) of 15 December 1971, in consultation with the regional groups. Her delegation considered that a positive step and part of the reform and democratization of the United Nations. It hoped that the consultation process would begin shortly and that it would reflect the decisions of each regional group.

30. **The Chairman** said that, unless he heard any objection, he would take it that the Committee wished to adopt draft resolution A/C.5/53/L.13 without a vote.

31. *It was so decided.*

32. **The Chairman** announced that the Committee had thus completed its consideration of agenda item 152.

Agenda item 149: United Nations Decade of International Law (*continued*)

(b) Progress in the action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law (*continued*) (A/C.6/53/L.12)

33. **Mr. Zmeevsky** (Russian Federation) said that since 13 November when he had submitted draft resolution A/C.6/53/L.12, the sponsors — the Netherlands, Ukraine and the Russian Federation — had accepted the following amendments. In the sixth preambular paragraph the comma after the words "The Hague" should be replaced by the words "in 1997 and", and the preposition "in" before the words "New York" should be deleted. In the tenth preambular paragraph of the English text, the words "conclusions of" should be replaced by the words "outcome of the". In paragraph 3 the words "States" in the first line should be deleted, the words "within the context of their competence" should be inserted in the third line after the word "Secretariat" and the words "if necessary" should be added at the end of the paragraph. In paragraph 3 (b) of the English text the word "first" should be inserted before the word "international" in the last line. In paragraph 4 the words "the conclusion" should be replaced by the words "the results". Finally, in paragraph 7, the words in parentheses at the end of the paragraph should be deleted.

34. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.6/53/L.12, as orally amended, without a vote.

35. *It was so decided.*

(c) Draft guiding principles for international negotiations (*continued*) (A/C.6/53/L.13)

36. **The Chairman** recalled that draft resolution A/C.6/53/L.14 had been introduced at the previous meeting by the Chairman of the working group on the United Nations Decade of International Law.

37. **Ms. Cueto-Milian** (Cuba), referring to the Spanish text, said that the sixth preambular paragraph, which had been inserted at the proposal of her delegation, corresponded neither to the text proposed nor to the English text. The paragraph should be brought into line with the English text. As to the substance, her delegation interpreted paragraph 1 (e) as covering not only to the threat or use of force but also, implicitly, any other form of pressure or coercion.

38. **Mr. Hamdan** (Lebanon) said that his delegation, like the Cuban delegation, considered that paragraph 1(e) referred to any measure of constraint that was contrary to international law.

39. **The Chairman** said that he took it that the Committee wished to adopt draft resolution A/C.6/53/L.14 without a vote.

40. *It was so decided.*

41. **Ms. Dickson** (United Kingdom), supported by Mr. Seam (France), Mr. Nyman (Sweden), Ms. Willson (United States), Mr. Kawamura (Japan) and Mr. Steains (Australia), said that in the view of her delegation the principles set forth in the draft resolution just adopted were not applicable to all international negotiations, and that other principles which were not set forth in the draft resolution could also be applied. The list contained in the draft resolution was not exhaustive.

42. **The Chairman** said that the Committee had thus completed its consideration of agenda item 149.

Agenda item 146: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of Armed Conflicts (*continued*)
(A/C.6/53/L.17)

43. **Mr. Nyman** (Sweden), introducing draft resolution A/C.6/53/L.17, said that the intention of the sponsors, who had been joined by Chile, was to emphasize the importance of humanitarian law, to make it more effective and to promote wider acceptance of the protocols additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts. The text was very similar to the text of the resolution adopted on the same subject in 1996, but it took into account certain new developments, such as the adoption of the Rome Statute of the International Criminal Court.

The meeting rose at 4.55 p.m.

United Nations A/C.6/53/SR.34

General Assembly
Fifty-third session

Official Records

Distr.: General
26 January 1999
English
Original: French

Sixth Committee

Summary record of the 34th meeting
Held at Headquarters, New York, on Thursday, 19 November 1998, at 3 p.m.

Chairman: Mr. Enkhsaikhan ..... (Mongolia)

Contents

Agenda item 154: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*)

Agenda item 150: Report of the International Law Commission on the work of its fiftieth session (*continued*)

Agenda item 146: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

98-83581 (E)

The meeting was called to order at 4.10 p.m.

Agenda item 154: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*) (A/C.6/53/L.3/Rev.1)

1. **Mr. Daniell** (South Africa), speaking as coordinator of the informal consultations which had taken place over the past three weeks on the draft resolution entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions" (A/C.6/53/L.3/Rev.1), read out the main provisions of the draft resolution and said he hoped that it would be adopted without a vote.

2. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.6/53/L.3/Rev.1 without a vote.

3. *It was so decided.*

4. **Mr. Herasymenko** (Ukraine) and **Mr. Tarabrin** (Russian Federation) thanked all the delegations which had taken part in the informal consultations for their flexibility and commended the coordinator of those consultations.

5. **The Chairman** said that the Committee had thus completed its consideration of agenda item 154.

Agenda item 150: Report of the International Law Commission on the work of its fiftieth session (*continued*) (A/C.6/53/L.16)

6. **Mr. Mochochoko** (Lesotho) said that, following informal consultations, it had been decided to add to the draft resolution a new paragraph, to be numbered 8 *bis*, which would read:

> "*Takes note* of paragraphs 562 and 563 of the report of the International Law Commission regarding the holding of split sessions as of 2000, requests the Commission to examine the advantages and disadvantages of such split sessions, and decides to return to this matter at its fifty-fourth session;".

7. **Ms. Flores Liera** (Mexico), underlining the importance of the role played by the International Law Commission in the codification and progressive development of international law, said that, while her delegation supported the draft resolution under consideration, it believed, with reference to paragraph 4 concerning international liability for injurious consequences arising out of acts not prohibited by international law, that liability itself was the most important of the "other issues arising out of the topic" which the Commission had to examine.

8. **Mr. Koffi** (Côte d'Ivoire), supported by **Mr. Seam** (France), drew attention to three editorial changes that needed to be made to the French text of the draft resolution under consideration.

9. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.6/53/L.16, as orally revised in the case of the French text, without a vote.

10. *It was so decided.*

11. **Ms. Hallum** (New Zealand), supported by **Mr. Chuna** (Portugal), **Mr. Farell** (Ireland), **Mr. Nyman** (Sweden), **Ms. Sucharipa** (Austria), **Ms. Fernandez de Gurmendi** (Argentina), **Mr. Monagas** (Venezuela), **Ms. Telalian** (Greece), **Ms. Nury-Vargas** (Costa Rica) and **Mr. Verweij** (Netherlands), said that, in her view, the request in paragraph 4 of draft resolution A/C.6/53/L.16 that the International Law Commission should "examine other issues arising out of the topic" of international liability for injurious consequences arising out of acts not prohibited by international law was intended directly to include the question of liability, which lay at the heart of the matter. The work of the Commission would in no way be confined to prevention.

12. **The Chairman** said that the Committee had thus concluded its consideration of agenda item 150.

Agenda item 146: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (*continued*) (A/C.6/53/L.17)

13. **Mr. Nyman** (Sweden) said that since the introduction of draft resolution A/C.6/53/L.17 at an earlier meeting, Cameroon, Slovenia, South Africa and the United Kingdom had joined the sponsors. Also, he had been informed that the analytical report of the Secretary-General referred to in the penultimate preambular paragraph concerned "minimum humanitarian standards" and not "fundamental standards of humanity".

14. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.6/53/L.17, as orally revised, without a vote.

15. *It was so decided.*

16. **Ms. Efrat-Smilg** (Israel) thanked the Swedish delegation for its efforts to achieve a consensus text. As to the Protocols themselves, Israel was unfortunately among those States which were unable to become parties to them.

Certain provisions, particularly article 1, paragraph 4, and article 44 of Protocol I, introduced elements which not only had no connection with international humanitarian law, but also violated the humanitarian foundations of that law. Israel also deplored the fact that the consideration of the question in various bodies was often politicized and anti-Israeli in tenor. Finally, Israel saw no justification whatever for the refusal to recognize the Israeli emblem of humanitarian protection, the red Star of David, nor for the refusal to allow the Israeli humanitarian aid organization, the Red Star of David Society, to participate fully in the International Red Cross.

17. **The Chairman** announced that the Committee had thus completed its consideration of agenda item 146.

The meeting rose at 4.50 p.m.

United Nations A/C.6/53/SR.35

General Assembly
Fifty-third session

Official Records

Distr.: General
3 February 1999
English
Original: French

Sixth Committee

Summary record of the 35th meeting
Held at Headquarters, New York, on Tuesday, 24 November 1998, at 3 p.m.

Chairman: Mr. Enkhsaikhan ..... (Mongolia)

Contents

Agenda item 153: Establishment of an international criminal court (*continued*)

Agenda item 148: Convention on jurisdictional immunities of States and their property (*continued*)

Agenda item 155: Measures to eliminate international terrorism (*continued*)

Completion of the Committee's work

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee

98-83644 (E)

The meeting was called to order at 3.15 p.m.

Agenda item 153: Establishment of an international criminal court (*continued*) (A/C.6/53/L.9/Rev.1)

Draft resolution A/C.6/53/L.9/Rev.1

1. **Mr. Verweij** (Netherlands), introducing draft resolution A/C.6/53/L.9/Rev.1, drew the Committee's attention to some revisions that had been made to the text. In the third preambular paragraph, the words "and growing" had been deleted. In paragraph 4, the dates on which the Preparatory Commission was to meet had been added. In the third line of paragraph 5, the words "if so requested by the Preparatory Commission" had been deleted for budgetary reasons. In addition, in the second line of that paragraph, a comma should be inserted after the words "working documents". In the second line of paragraph 7, the word "including" had been replaced with the word "by".

2. He emphasized that no additional appropriation would be necessary in the programme budget for the biennium 1998–1999, since the Secretariat would not have to prepare any working documents.

3. **Ms. Montesino** (Spain) pointed out an error in the Spanish-language version of paragraph 5 of the draft. Instead of "incluida la preparación de los documentos de trabajo", the text should read "no incluida la preparación de los documentos de trabajo".

4. **The Chairman** said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.6/53/L.9/Rev.1 without a vote.

5. *Draft resolution A/C.6/53/L.9/Rev.1 was adopted without a vote.*

6. **The Chairman** said that the Sixth Committee had thus concluded its consideration of agenda item 153.

Agenda item 148: Convention on jurisdictional immunities of States and their property (*continued*) (A/C.6/53/L.19/Rev.1)

Draft resolution A/C.6/53/L.19/Rev.1

7. **Mr. Kawamura** (Japan), introducing the draft resolution on behalf of the coordinating delegation, said that the text provided for the establishment of an open-ended working group of the Sixth Committee and that it invited the International Law Commission to present, by 31 August 1999, its preliminary comments regarding outstanding substantive issues. The coordinating delegation asked the Secretariat to schedule the session of that working group at the beginning of the fifty-fourth session of the General Assembly, immediately following the session of the working group on terrorism.

8. **The Chairman** thanked the representative of Japan and indicated that the working group mentioned in the draft resolution would be a subsidiary body of the Sixth Committee, governed by the rules of procedure of the General Assembly. If he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.6/53/L.19/Rev.1 without a vote.

9. *Draft resolution A/C.6/53/L.19/Rev.1 was adopted without a vote.*

10. **The Chairman** said that the Sixth Committee had thus concluded its consideration of agenda item 148.

Agenda item 155: Measures to eliminate international terrorism (*continued*) (A/C.6/53/L.20/Rev.1)

11. **Mr. Holmes** (Canada) reported on the informal consultations which he had coordinated on the draft international convention for the suppression of acts of nuclear terrorism. The report submitted by the Working Group of the Sixth Committee (A/C.6/53/L.4) included a proposal by the Friends of the Chairman, as well as the reservations formulated by some delegations with respect to the draft convention, particularly on the subject of its scope of application.

12. He regretted to inform the Sixth Committee that delegations had been unable to reach an agreement and that they had not been in a position to adopt the draft convention. Nevertheless, he appreciated the sustained efforts of those delegations, particularly that of the Russian Federation, which was the principal sponsor of the draft. The concerns which had been expressed related to, *inter alia*, the scope of application of the convention, its political repercussions in the area of disarmament and the legality or illegality of nuclear weapons. At the end of the consultations, delegations had agreed that the draft convention should be considered in more detail by the Ad Hoc Committee, and the general draft resolution on terrorism had been revised accordingly.

13. **Ms. Fernández de Gurmendi** (Argentina), introducing draft resolution A/C.6/53/L.20/Rev.1, said that the last revision to paragraph 15 had been omitted and that, in the second line, after the words "progress made", the phrase "in the implementation of its mandate" should be inserted.

14. The draft resolution strongly condemned all acts, methods and practices of terrorism. The question of the future mandate of the Ad Hoc Committee established by

General Assembly resolution 51/210 had been discussed at length in informal consultations; the outcome of those discussions was reflected in paragraphs 11, 12, 14 and 15 of the draft. She hoped that the draft resolution would be adopted by consensus.

15. **Mr. Obeid** (Syrian Arab Republic) said that paragraph 11 of the English-language text was not identical to paragraph 11 of the Arabic version, from which the phrase "will continue to elaborate a draft international convention for the suppression of acts of nuclear terrorism with a view to completing the instrument" had been omitted.

16. **The Chairman** said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.6/53/L.20/Rev.1 without a vote.

17. *Draft resolution A/C.6/53/L.20/Rev.1 was adopted without a vote.*

18. **Mr. Akbar** (Pakistan) recalled that the issue of the legal definition of international terrorism had been on the Committee's agenda since 1972 and that no solution had yet been found. A number of delegations hoped that the issue would be settled expeditiously so that a distinction could be made between terrorism as a criminal act and the struggle of peoples for national liberation, which was legitimate.

19. **Mr. Obeid** (Syrian Arab Republic) said that his delegation had joined the consensus on the draft resolution because it condemned terrorism in all its forms and manifestations. However, it was important to draw a distinction between terrorism, which was a crime punishable by law, and the legitimate struggle of peoples against all forms of foreign occupation. His country had become a party to all the international conventions to combat terrorism and it had participated in the drafting of the Arab Convention on the Suppression of Terrorism.

20. While draft resolution A/C.6/53/L.20/Rev.1 contained many positive elements, others were unclear and could lead to divergent interpretations. Moreover, key elements provided for by resolutions on terrorism already adopted by the General Assembly had been omitted from the current draft resolution. In particular, a special paragraph should have reaffirmed the rights of peoples under foreign domination as well as the legitimacy of their struggle in accordance with the principles of the Charter of the United Nations. He therefore endorsed the first three preambular paragraphs. The concept of terrorism in draft resolution A/C.6/53/L.20/Rev.1 should not apply to the legitimate resistance against Israeli occupation in the occupied Arab territories. On the contrary, it was the acts and criminal practices of the occupying forces that should be curbed. He endorsed the position adopted by the Movement of Non-Aligned Countries at the Durban Conference, which made that clear distinction.

21. Recalling that the unilateral use of force and violence in international relations constituted a flagrant violation of the Charter of the United Nations and of international law, he said that his delegation welcomed paragraph 6, which was consistent with the final declaration of the Movement of Non-Aligned Countries.

22. His delegation attached great importance to the draft international convention for the suppression of acts of nuclear terrorism. However, the failure to define nuclear terrorism had raised serious difficulties during the debates, as had the inclusion of new articles with respect to the purpose of the draft convention, the seriousness of the acts and the scope of its provisions. Moreover, the draft convention covered only acts committed by individuals although only States could commit nuclear terrorism. He hoped that future meetings would lead to a balanced text that was acceptable to all.

23. **Mr. Myman** (Sweden) said that his delegation wished to join the consensus on draft resolution A/C.6/53/L.20/Rev.1 and endorsed the decision to establish an ad hoc committee to elaborate a draft international convention for the suppression of terrorist financing. His delegation's position with respect to the elaboration of an international convention on terrorism expressed at previous sessions remained unchanged.

24. **Mr. Tankoano** (Niger) said that, in the second line of paragraph 11 of the French text of the draft resolution, an "e" should be added to the word "international", after the word "convention".

25. **Mr. Al-Qadhi** (Iraq), noting that his delegation supported draft resolution A/C.6/53/L.20/Rev.1, said that a distinction should have been made between terrorism and the legitimate struggle of peoples against foreign occupation. He fully endorsed the statement of the representative of Syria.

26. **The Chairman** announced that the Committee had concluded the consideration of agenda item 155, entitled "Measures to eliminate international terrorism", it being understood that the work of the Ad Hoc Committee established by the General Assembly to elaborate a draft international convention for the suppression of acts of nuclear terrorism would continue.

27. The constructive atmosphere and pragmatism that had prevailed throughout the Committee's work had permitted the adoption by consensus of 12 draft resolutions and 2 draft

decisions. Reviewing the achievements of the Committee at the current session, especially the addition of new elements to previous resolutions, he noted that, as far as the resolution on the establishment of an international criminal court was considered, there had been broad agreement on the historic significance of the adoption of the Rome Statute and on the need to embark upon the practical arrangements for the commencement of the functions of the Court. He also welcomed the provisions made in the resolution to allow the participation, in the work of the Preparatory Commission responsible for facilitating the commencement of the functions of the Court, of intergovernmental and non-governmental organizations. The draft resolution helped to maintain the momentum of the Rome Conference.

28. The Committee also welcomed yet another concrete result, the adoption of the draft principles and guidelines for international negotiations, which would be very useful in the area of international relations, since they would contribute substantially to the peaceful settlement of international disputes and the adoption of new international norms of conduct of States.

29. He also highlighted the Committee's decision to initiate, at the proposal of France and thanks to the coordination efforts of Argentina, the elaboration of a draft convention for the suppression of terrorist financing. Such a text should be extremely useful in the general efforts to combat international terrorism because of the concrete measures it provided for and its appeal to States to become parties to existing international instruments. Sadly, he had to conclude, in the light of the number of States that had signed or ratified existing international conventions, including the International Convention for the Suppression of Terrorist Bombings, which no State had yet ratified, that much still remained to be done in that field.

30. Also worthy of note was the fact that, for the first time, an in-session dialogue had been established between the International Law Commission, particularly through its special rapporteurs, and the Sixth Committee. It was a new trend which should be encouraged because it enabled the two bodies to exchange views in a more meaningful and businesslike manner.

31. He recalled how hard the Committee had worked until the eleventh hour in order to have the draft international convention for the suppression of acts of nuclear terrorism adopted. Such a convention would have helped to reduce the very real and grave danger posed by nuclear terrorism, especially to international peace and security and the security of States. It would also eliminate another legal lacuna in combating international terrorism. Those efforts had not been in vain because the experience and understanding gained during the consultations that had been ably conducted by the representative of Canada would prove to be useful at the session of the Ad Hoc Committee on terrorism to be held early in 1999.

Completion of the Committee's work

32. After an exchange of courtesies, in which **Mr. Al-Sameen** (Oman), speaking on behalf of the Group of Asian States, **Mr. Šmejkal** (Czech Republic), speaking on behalf of the Group of Eastern European States, **Ms. Steains** (Australia), speaking on behalf of the Group of Western European and Other States, **Mr. Vásquez** (Ecuador), speaking on behalf of the Group of Latin American and Caribbean States, **Mr. Mohamed** (Sudan), speaking on behalf of the Group of African States and **Ms. Efrat-Smilg** (Israel) participated, **the Chairman** declared that, with the exception of ongoing work on agenda item 155 within the Ad Hoc Committee on the drafting of an international convention for the suppression of acts of nuclear terrorism, the Sixth Committee had completed its work for the fifty-third session.

The meeting rose at 4.25 p.m.